



## 2007 Public Chapters Affecting Tennessee Board of Regents and Member Institutions



# Legislation Affecting the Tennessee Board of Regents and Member Institutions

## Public Acts of 2007

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## Academics

- Public Chapter 42**  
(Effective 07/01/2007) **THEC to develop an institute of public health.** Authorizes the Tennessee Higher Education Commission to develop an institute of public health in consultation with the department of health. (S: **Ketron**; H: **Hood**) House amendment 1, Senate Education amendment 1 adds the university of Tennessee system, the Tennessee board of regents, and private colleges and universities in Tennessee to the department of health as agencies which will serve as consultants to the Tennessee Higher Education Commission in the development of an institute of public health.  
**SB 0207/HB 0204**
- Public Chapter 105**  
(Effective 05/07/2007) **Tennessee technology development corporation membership.** Decreases membership of Tennessee Technology Development Corporation board of directors from 24 to 22 by eliminating two members from the Tennessee science and technology advisory council; revises functions of corporation. (S: **Kyle**; H: **Bibb**)  
**SB 2265/HB 2287**
- Public Chapter 228**  
(Effective 05/24/2007) **Insurance producer licensing.** Requires each individual wishing to take the state insurance examination in order to obtain licensure as an insurance producer to first complete either an on-site or online preparation program approved by the commission. Also requires applicants to be at least 18 years of age, to have a high school diploma or GED, and to be of good moral character. Requires applicants, by January 1, 2012, to be 19 years of age and to have at least 30 semester hours from a university or community college. (S: **Stanley**; H: **Eldridge**) Senate amendment 1 requires applicants to be 18 years of age. Senate amendment 2 reduces education requirements by deleting higher education requirement.  
**SB 1982/HB 1680**
- Public Chapter 306**  
(Effective 05/30/2007) **Student personal identification number.** Removes requirement that public school student's personal identification number must be the student's social security number. Also removes requirement that all class rolls include students' identification numbers. (S: **Kyle**; H: **Fincher**)  
**SB 2176/HB 2237**
- Public Chapter 376**  
(Effective 07/01/2007) **State sales tax on food - reduction by half cent.** Reduces state sales tax on food from current six percent to 5.5 percent. Broadly captioned. (S: **McNally**; H: **Fitzhugh**) House amendment 1 rewrites the bill to specify methods of accountability to be required by all LEAs. All LEAs shall establish differential pay grades in order to acquire and retain teachers in hard to staff schools. Contracts for school principals shall provide for consequences when performance standards are unmet, and may provide for bonuses if standards are met or exceeded. Principals shall prepare an annual budget request for the school and shall be authorized to make staffing decisions for their school. The commissioner of education shall be allowed

to take corrective action for schools on probation two years sooner than is currently authorized. Colleges of education will provide reports to the commissioner in order to develop and coordinate consistency in teacher training. Efforts will be made to improve teacher evaluation and assessment with more consistent communication with the principal between formal evaluations, which are to be scheduled at a minimum of twice every five years. Makes the Director of Schools ultimately responsible for all progress and lack of progress in schools. Authorizes principals to make staffing changes pursuant to local board policy; makes technical changes to keep language consistent; authorizes LEAs to provide bonuses for teachers who exceed contract expectations. House amendment 2 adds that the office of education accountability shall review a sample of such plans annually and determine what actions were taken in response to the annual plans. Requires the office to reports results to the select oversight committee on education and the education committees of the house and senate. House amendment 4 creates a K-12 lottery capital outlay special account. Specifies that any funds remaining in the lottery for education account in excess of \$250,000,000 be deemed excess lottery funds and be transferred to such capital outlay account. Specifies that moneys in such capital outlay account be used exclusively for capital outlay projects for K-12 educational facilities. Requires the comptroller to develop and administer a grant program for capital outlay projects for K-12 educational facilities using such funds. Requires that grant funds be matched with one dollar of local funds for one dollar of accessible funds in a school district's lottery capital outlay account. Specifies that grants be awarded or credited annually to each public school district in Tennessee Specifies that remaining unexpended funds not revert to the lottery for education account or the general fund. Senate amendment 2 requires the office of education accountability to review a sample of system and school improvement plans, determine what actions were taken in response to the annual plans, and report the results of its review to the select oversight committee on education and the house and senate education committees. Senate amendment 5 establishes deadlines and makes technical changes.

**SB 0570/HB 0472**

**Public Chapter 454**  
**(Effective 07/01/2007)**

**Background check required to enter teacher training program.** Requires criminal background checks for teachers entering approved teacher training programs. Also requires applicant to pay for cost of background check. **(S: Herron; H: Maddox)** Senate amendment 1 states that any criminal history records check performed pursuant to entering an approved teacher training program shall not be submitted and used for the criminal history records check required for employment by an LEA or child care program. Senate amendment 2 makes technical changes. Conference Committee Report requires that students wishing to enter teacher training programs agree to the release of investigative records to the administrator of the selected teacher training program, rather than to the board. **SB 1714/HB 2076**

**Public Chapter 459**  
**(Effective 06/19/2007)**

**Establishment of cooperative innovative programs.** Authorizes public postsecondary institutions and LEAs to jointly establish cooperative

innovative programs in high schools and public colleges and universities. Details program application process for LEA and public postsecondary institution. Creates joint advisory committee to review applications and make recommendations. **(S: Woodson; H: Wunningham)** House amendment 2 rewrites the bill. Changes one of the program criteria from a focus on a university or technical preparatory path to focus on one that will prepare students to enter postsecondary institutions or the workplace "without academic remediation." Specifies that the state board of education, the UT system, and the Tennessee board of regents will establish the measurable student achievement results. Defines "consortium," "dual credit program," and "dual enrollment program." Requires the state board of education, department of education, Tennessee higher education commission, board of trustees of the University of Tennessee and the board of regents to create a consortium for the oversight of these programs. Authorizes the consortium to establish committees when necessary and implement actions as needed for proper operation. Authorizes two or more LEAs with one or more public postsecondary institutions to establish a cooperative innovative high school program. Adds to the application an explanation of how a viable and workable linkage between the institutions that includes academic and technical opportunities for students will be established. Replaces any joint advisory committee reference with "consortium." Provides that programs approved under this chapter can award dual credit for high school courses when applicable. Allows flexibility with regard to the length of time of instruction as required for regular public schools. Prohibits LEA from charging a fee if a program is funded through local, state or federal funds. Requires consortium to report annually to the education committees by February 15. Provides methods by which the consortium will align curriculum. Requires the high school to community college and technology center articulation agreement to be completed no later than the 2009-2010 school year. Stipulates that consortium members and subsequent committees will receive no compensation in excess of simple reimbursement. Senate amendment 2 corrects typographical errors.

**SB 0620/HB 0099**

**Public Chapter 504**  
**(Effective 06/22/2007)**

**Minimizing costs of college textbooks.** Requires the University of Tennessee System and the Board of Regents to develop policies to minimize the cost of textbooks. **(S: Herron; H: Fitzhugh)** House amendment 1 textbook inventory and monitoring required of any on-campus bookstore by any policy adopted to be accomplished by existing bookstore staff. Specifies that course information required to be posted on Web site shall be done so using existing computer software.

**SB 2076/HB 1257**

**Public Chapter 542**  
**(Effective 06/27/2007)**

**Joint study committee for proprietary schools.** Creates joint study committee for the evaluation of proprietary schools. **(S: Woodson; H: Wunningham)** Senate amendment 1 makes the bill. Clarifies the membership of a joint study committee for the evaluation of proprietary schools. House amendment 2 changes membership of study committee to include two, rather than one,



representatives from a Tennessee proprietary or career college that is a non-degree granting institution to be appointed by the speaker of the senate.

**SB 1302/HB 0950**

**Public Chapter 584**  
**(Effective 06/28/2007)**

**Continuation of joint study on solid waste disposal.** Continues the joint study currently being performed by TSU and MTSU of solid waste in Tennessee. Requires a report to be made to the general assembly by February 15, 2008. **(S:Jackson; H:Shepard)** Senate amendment 1 directs TSU to continue to study this issue and contract with colleges, schools and private individuals to determine how to find a higher value use for materials than landfilling, eliminate from the landfills food waste, yard waste, hazardous waste, chemicals, and other materials which decompose into a liquid or gas or which may make the landfill or leachate more toxic and the nature of the state solid waste stream. Requires report to the general assembly to be presented by 2008. House amendment 2 rewrites the bill to direct the municipal solid waste advisory committee to develop by December 31, 2009, recommendations using input from TSU and other stakeholders in regard to finding a higher value use for materials in the waste stream than landfilling and reducing or eliminating from the landfills food waste, yard waste, household hazardous waste, chemicals, or other materials that may increase the environmental hazards potentially created by the landfill. Permits the department to make a grant to TSU for this work, using funds available in the solid waste management fund. Requires that the recommendations of the committee be made available to the public, municipalities, counties, and businesses in the state so that they may be implemented and shall also be considered by the solid waste disposal control board for incorporation into the rules. House amendment 4 imposes a moratorium on waste from the bulk survey for release program being disposed in landfills in Rutherford County, pending the results of the municipal solid waste advisory committee's recommendations.

**SB 1779/HB 1345**

**Public Chapter 596**  
**(Effective 06/28/2007)**

**Small business development and retention.** Creates a special joint committee consisting of six members from both the House of Representatives and the Senate to study small business development and retention in Tennessee. Broadly captioned. **(S:Southerland; H: Ford D.)** Senate amendment 1 changes the number of members from each house appointed to the study committee from six to four. House amendment 1 creates the "Tennessee Tomorrow, Inc." corporation; specifies that such corporation shall work to integrate and focus resources to create economic and community development opportunities for Tennessee communities, emphasizing rural regions of the state. Establishes membership of corporation. House amendment 2 changes the number of members from each house appointed to the study committee from six to four.

**SB 1207/HB 0898**



## Business

- Public Chapter 021**  
(Effective 04/11/2007) **College savings programs - baccalaureate education system.** Allows the board of trustees of the Tennessee Baccalaureate Education System to contract with any other college savings program allowed by federal law. Revises procedure by which tuition may be rolled to a different qualified program to include written request of purchaser. (S: Haynes; H: Maddox)  
**SB 1387/HB 2068**
- Public Chapter 040**  
(Effective 04/19/2007) **Chairs of excellence endowment trust fund.** Allows members of the state school bond authority to appoint designees to serve in the member's place as a trustee of the chairs of excellence endowment trust fund. (S:Henry; H: Armstrong)  
**SB 1874/HB 1966**
- Public Chapter 062**  
(Effective 04/30/2007) **Tuition waivers - child or spouse of POWs/deceased veterans.** Adds dependent children or spouses of POWs or deceased veterans involved in an armed conflict in which Navy Submarine Combat Patrol & SSBN Deterrent Patrol Insignia were authorized to those eligible for higher education tuition and fee waivers. Changes the maximum number of hours for which a waiver may be granted from 150 hours to 135 hours, excluding required remedial or developmental hours. Requires all public institutions of higher education to publish notice of the waiver program in their catalogs and class schedules. (S: Crowe; H: Curtiss)  
**SB 0065/HB 0015**
- Public Chapter 079**  
(Effective 05/03/2007) **Agricultural resources conservation fund.** Deletes language that prohibits funds in the agricultural resources conservation fund from being used to fund salaries, staff positions, or any other administrative cost of the department. Authorizes the commissioner of agriculture to expend the funds as matching dollars to secure additional funding to fulfill the purposes for which the fund was established. (S: Kyle; H: Bibb)  
**SB 2165/HB 2228**
- Public Chapter 100**  
(Effective 05/07/2007) **Internet access at state colleges and universities.** Authorizes state colleges and universities to provide free Internet access campus wide to students, faculty, staff and the general public. (S: Woodson; H: Maddox)  
**SB 1064/HB 2066**
- Public Chapter 113**  
(Effective 05/08/2007) **Gifts to public institutions of higher education.** Makes confidential certain information relating to donors of gifts to public institutions of higher education or to certain related foundations. Specifically pertains to records and information concerning gifts that include the name, address, telephone number, social security number, driver license information or other personally identifiable information about donor or donor's family. (S:Woodson; H: Armstrong)  
**SB 2080/HB 1961**

**Public Chapter 147**  
(Effective 07/01/2007)

**Best value procurement method for government purchasing.** Allows department of general services to use the best value procurement methodology when making public purchases; establishes factors that may be considered in determining best value. Requires that the commissioner of general services grant approval for the consideration of factors in other than purchase price and whether the goods meet specifications. (S: Kyle; H: Turner M.)  
**SB 2270/HB 2291**

**Public Chapter 169**  
(Effective 05/15/2007)

**Limitations of liability and warranty in contracts.** Transfers authority from commissioner of finance and administration to agencies and departments of the executive branch of state government to allow limitations of liability and limitations of warranty in contracts for personal services, professional services, and consultant services according to the procedures for services contracting set forth in regulations promulgated by said commissioner. (S: Kyle; H: Odom)  
**SB 2207/HB 2263**

**Public Chapter 360**  
(Effective 07/01/2007)

**Paid military leave time.** Increases paid military leave time for state employees from 15 to 20 working days in a year. (S: Kyle; H: Borchert)  
**SB 2187/HB 2243**

**Public Chapter 463**  
(Effective 07/01/2007)

**Prohibits smoking in state owned vehicles.** Prohibits smoking in any motor vehicle that is owned, leased, or operated by the state. (S: Jackson; H: Odom)  
**SB 0010/HB 0219**

**Public Chapter 489**  
(Effective 06/21/2007)

**State-owned motor vehicle fleets to use alternative fuels.** Requires all state agencies, universities, and community colleges that have state-owned motor vehicle fleets consisting of more than ten vehicles to develop and implement plans by January 1, 2008 to increase the state's use of alternative fuels and to reduce or displace motor vehicle fleet use of petroleum products by 20 percent. (S: Burchett; H: McCord) **Oversight Corrections Committee comment:** Oversight Corrections Committee adopted and released to full committee with additional remark that because agencies purchase vehicles from the state contract their success in implementing the reduction or displacement will be largely based on the availability of hybrid or flex vehicles on state contract. This bill is estimated to have a minimal impact on the operations of these agencies.  
**SB 0109/HB 0723**

**Public Chapter 506**  
(Effective 06/25/2007)

**Tuition and fees charged to military reserves.** Authorizes a tuition and fee freeze for students who are in the military reserves or national guard and who are mobilized to active duty within six months of attending a state institution of higher education. (S: Crowe; H: Curtiss)  
**SB 0066/HB 0014**

**Public Chapter 532**  
**(Effective 07/01/2007)**

**Energy efficient motor vehicles for state fleets.** Requires 30 percent of new state passenger motor vehicles purchased during a fiscal year to be energy efficient motor vehicles and to have an estimated highway gasoline mileage rating of at least 35 miles per gallon. **(S: Kurita; H: Buck)** Senate amendment 1 makes the bill. Applies requirement that at least 30 percent of passenger motor vehicles purchased for the state fleet be energy efficient to motor vehicles that are designed to carry six or fewer "adult passengers," instead of motor vehicles designed to carry six or fewer "passengers." Excludes vans, trucks, sport utility vehicles, and police pursuit vehicles from the definition of passenger motor vehicles so those vehicles will not be counted for purposes of determining whether the 30 percent purchasing requirement is met. Revises definition of an "energy efficient" motor vehicle. Changes the date upon which the commissioner of general services will begin maintaining information regarding the number of passenger vehicles that are purchased or owned by the state each year from July 1, 2007, to June 30, 2008. Removes requirement that the commissioner compile information regarding the costs savings associated with energy efficient motor vehicles. House amendment 2 clarifies that every effort will be made to achieve this standard and requires problems or concerns be mentioned in the report.

**SB 0123/HB 1146**

**Public Chapter 554**  
**(Effective 07/01/2007)**

**Tuition waivers for state employees.** Expands limited waiver of tuition and fees for state employees to include online course fees for one course per term taken through the regents online degree programs. **(S: Finney R.; H: Montgomery)** House amendment 1 caps the tuition and fees for the state Board of Regents.

**SB 0099/HB 0886**

## FACILITIES

**Public Chapter 089**  
**(Effective 01/01/2008)**

**Electric safety codes for electric-supply stations.** Updates electric safety code for electric-supply stations and lines by adopting current edition of the American National Standard Electrical Safety Code. **(S: Stanley; H: Bone)** House amendment 1 establishes January 1, 2008, as the effective date for this bill.

**SB 0464/HB 0259**

**Public Chapter 189**  
**(Effective 05/18/2007)**

**Liens on improvements to real property.** Revises definition of "contract price" for purposes of liens on real property to include the amount agreed upon by the contracting parties for furnishing materials, machinery, equipment, services, overhead and profit, included in the contract, increased or diminished by the price of extras or breach of contract. Redefines "furnish materials" to include the supplying of tools. Changes language that refers to a house or structure being erected upon a lot or tract of land to instead say "any lot or tract of real property upon which an improvement has been made." Defines "improvement." Specifies that there shall be a lien upon any lot or tract of real property upon which an improvement has been made by a

prime contractor and any remote contractor and that the lien is to secure the contract price. Establishes other procedures related to liens on improvements to real property (42 pp.). **(S: Haynes; H: Curtiss)** Senate amendment 1 provides that notice provisions do not apply when the prime contractor is also the owner of a property. House Amendment 3 requires that notice of a contract for an improvement made with a mortgagor must be sent by certified or registered mail; revises those circumstances under which there is a rebuttable presumption that service is complete to include "one business day after commercial, overnight delivery" instead of "date of delivery to a commercial delivery service."

**SB 2031/HB 1879**

**Public Chapter 201**  
**(Effective 07/01/2007)**

**Escrow held on real property contracts.** Revises total contract amount to \$860,000 from \$500,000 for determination of whether a contract for the improvement of real property is subject to escrow requirements. **(S:Burchett; H: Curtiss)** House amendment 1 rewrites the bill. Deletes language revising contract amount for determination of whether a contract is subject to escrow requirements. Requires that "all interest," rather than "any interest," must be paid to contractor immediately upon completion of contract; requires that retainage on any construction contract not exceed five percent of the amount of such contract; requires owner to pay retainages within 90 days after the completion or substantial completion of the project; requires that prime contractor pay all retainages due any subcontractor within 10 days after receipt of such retainages from owner. Senate amendment 2 is a technical amendment which clarifies language in the provisions of this bill apply to project for work completed, whichever occurs first and the scope of the work and all terms and conditions covered by the contract.

**SB 1275/HB 1003**

**Public Chapter 410**  
**(Effective 06/11/2007**  
**& 10/01/2007)**

**Non-Smoker Protection Act.** Prohibits smoking in public places and places of employment in Tennessee. Exempts private residences, hotel and motel rooms that are designated as smoking and make up 25% or less of the total number of rooms, retail tobacco stores, cigar bars, private clubs and certain other facilities. Specifies that a person who smokes where smoking is prohibited is guilty of a Class C misdemeanor punishable by a fine. Allows law enforcement officers to issue citations for violations. **(S: Tracy; H: Bone)** Senate amendment 3 rewrites the bill to prohibit smoking in all enclosed public places in Tennessee. Exempts private residences, hotel and motel rooms that are designated as smoking, nursing homes, and retail tobacco stores that prohibit minors on the premises. Prohibits smoking within 20 feet of windows and entrances of public places. Establishes fines for violations. House amendment 2 rewrites the bill. Exempts the following from the smoking prohibition: tobacco retailers whose main business is the sale of tobacco; non-enclosed public places such as patios; nursing homes; small businesses with three or fewer employees; private clubs; homes and vehicles not used as business vehicles; age-restricted venues; company vehicles when only one person is present, hotel/motel rooms designated as smoking rooms. Specifies that no more than 25% of rooms rented to guests

in hotels/motels may be smoking rooms and requires smoking rooms on the same floor to be contiguous. Defines restaurant to include a bar area within the restaurant. Requires the appropriate signage to be displayed and provides penalties and fines for violations.

**SB 1325/HB 1851**

**Public Chapter 431**  
**(Effective 07/01/2007)**

**Height restrictions for buildings near scenic highways.** Deletes current building restrictions requiring buildings located within 1,000 feet of scenic highways not to exceed 35 feet in height. **(S: Burchett; H: McCord)** Senate amendment 1 specifies that the imposed height restrictions on buildings located near a scenic highway do not apply to property along Northshore Drive within Knox County, which is zoned "TC-1 (Town Center)", C-6, or any similar planned zoning category, under the zoning ordinances of the city of Knoxville. Also specifies that such restrictions do not apply to buildings along the Pellissippi Parkway in Knoxville. House amendment 2 further narrows the bill to remove the 30-foot height restriction at the intersection of North Shore and Pellissippi in Knox County.

**SB 0124/HB 2186**

## Human Resources

**Public Chapter 097**  
**(Effective 05/07/2007)**

**Human Rights - Title VI implementation plans.** Changes from June 30 to October 1, the date by which state governmental entities must submit their annual Title VI compliance reports and implementation plan updates to the department of audit. **(S: Tate; H: Shaw)**

**SB 2307/HB 1865**

**Public Chapter 184**  
**(Effective 05/18/2007)**

**Pension and retirement benefits.** Authorizes employer matching for profit sharing and salary reduction plans to be based on amount contributed by employee from longevity pay in lieu of monthly matches. Permits TCRS to use retirement system fund earnings to pay for implementing large scale business and technology improvements. Revises other various retirement-related provisions. **(S: McNally; H: Fitzhugh)** Senate amendment 1 authorizes the retirement system to use the earnings of the funds of the retirement system to fund implementation of the Concord Project, rather than any "large-scale business and technology improvements" to the retirement system; requires the state treasurer to report to the council on pensions and insurance the status and funding requirements of the Project.

**Council on Pensions and Insurance comment:** Council on Pensions and Insurance adopted and released to full committee with additional remark that section 1 would require UT to provide the Treasurer with a list of officers that have completed the training in the County Officials Certificate Training Program. Sections 2 - 4 clarify the 2006 legislation that deleted a state employee's option of obtaining the deferred compensation match through the employee's longevity pay deferral. Specifically, these sections will make the option available to employees of State supported institutions of higher

education. Section 5 authorizes TCRS to use retirement system fund earnings to pay for implementing large scale business and technology improvements for TCRS. Sections 6 - 7. Any local government that does not participate in TCRS must pay the employer cost to TCRS in a lump sum payment. TCRS does not require any employer to make a lump sum payment for other prior service provisions. Instead, the employer cost is included in the employer's accrued liability. These sections would delete the lump sum payment requirement thereby making this provision consistent with other prior service provisions. Sections 8 - 9 clarify that any employee who transfers from the ORP to TCRS and makes the above payment with funds other than the employee's ORP account balances may withdraw all or any portion of the employee's ORP account balances if permitted under the contract with the ORP investment company. Since the service is now in TCRS, the withdraw restriction is not needed to protect the employee. Section 12 of this bill would allow any TCRS member who had previously received the limited de minimis lump sum cash distribution from the ORP during a period of separation from service to establish that credit in TCRS. Sections 10 - 11. The law authorizes an ORP participant who has credit in TCRS to transfer such participant's accumulated contributions deposited with TCRS to the ORP upon request to TCRS. Currently, the law requires the request to be made at least thirty (30) days prior to July 1 of any year. These sections would delete these time frames and allow the transfer to be made by TCRS within ninety (90) days of the retirement system's receipt of the request. Section 13 would clarify that retirees receiving benefits from the ORP that return to work on other than a full-time basis in a position covered by the ORP are subject to the same requirements that apply to TCRS retirees who return to work temporarily in a position covered by TCRS. Section 14 would allow any non-school bus driver retiree to accept employment as a full-time kindergarten through twelfth grade school bus driver without loss or suspension of retirement benefits. Section 15 authorizes the establishment of premium support ranges for local education agencies wanting to supplement insurance premiums for their retirees. Section 16 would require that state employee medical and dental insurance premiums be paid on a tax-free basis through the State's Flexible Benefits plan. Section 17 would clarify that the "council", which is responsible for advising the TCRS Board of Trustees on investment policy is the "Investment Advisory Council". Section 18 would limit local governments from adopting an investment policy that would authorize assets in the trust to be invested in any investment vehicle that would not constitute a legal investment for assets of Tennessee domestic life insurance companies. In general, this section limits the local governments from adopting an investment policy that is broader than the investment policy that can be adopted for TCRS assets. As currently written, the law could be interpreted to require the State Funding Board to approve the local government's plan of benefits, its investment policy, and to ensure that the trust conforms to any applicable laws, rules and regulations of the Internal Revenue Service. Accordingly, this section would also clarify that the State Funding Board's role is to approve the trust document. However, in considering the approval of the trust document, the Funding Board will ask



for copies of the written plan of benefits and the investment policy to ensure that both are in place as required under the above law. As written, enactment of this bill will have no fiscal impact.

**SB 0333/HB 0465**

**Public Chapter 220**  
(Effective 05/24/2007)

**Immigrant's taxpayer ID number not proof of legal status.** Prohibits any employer from accepting an individual taxpayer identification number as a form of identification with regard to lawful residency and employment. (S: **Ketron**; H: **Lynn**) Senate amendment 1 specifies that the authorized commissioner in this bill is the commissioner of labor and workforce development. Senate amendment 2 specifies that no employer may accept an individual taxpayer identification number for purposes of application or offer of employment.

**SB 0903/HB 1274**

**Public Chapter 259**  
(Effective 07/01/2007)

**Training requirements for law enforcement officers.** Requires all police officers and highway patrol officers be provided training on proper response to persons with mental illnesses. Also requires the POST commission's curriculum to include such training. (S: **Herron**; H: **Maddox**)

**SB 1701/HB 2079**

**Public Chapter 330**  
(Effective 06/04/2007)

**Worker's Compensation: code cross-reference correction.** Corrects cross-reference (TCA 50-6-102(13)) to definition section in provision limiting maximum total benefits. (S: **Ramsey**; H: **Mumpower**)

**SB 1672/HB 0278**

**Public Chapter 360**  
(Effective 07/01/2007)

**Paid military leave time.** Increases paid military leave time for state employees from 15 to 20 working days in a year. (S: **Kyle**; H: **Borchert**)

**SB 2187/HB 2243**

**Public Chapter 378**  
(Effective 06/08/2007)

**Disputes as to which insurance carrier is liable.** Authorizes Commissioner of Labor and Workforce Development (Commissioner) to issue order assigning temporary responsibility for paying workers' compensation benefits among insurance carriers when there is dispute as to which carrier should pay benefits. Requires Commissioner to order appropriate workers' compensation benefits be paid on equal basis by insurance carrier(s) and self-insured employer when: (1) employer changes insurance carriers, when employer having been self-insured, becomes insured, or having been insured, is approved to be self-insured; and (2) compensability of claim is not being disputed by employer or carrier, or workers' compensation specialist has determined claim to be compensable or ordered provision of benefits to employee, and there is dispute as to which entity is responsible to provide workers' compensation benefits. Requires, upon agreement by parties or court order as to which entity is responsible, entity who is responsible for provision of workers' compensation benefits to reimburse other entity all moneys paid for or on behalf of employee as ordered by Commissioner, plus interest from date of payment. Contains broad caption. (S: **Haynes**; H: **Hackworth**) Senate amendment 1 allows Commissioner of Labor and Workforce Development to require that loss adjustment expenses associated



with claim be paid in addition to workers' compensation. Senate amendment 2 extends the joint committee for another five-year term.

**Workers' Compensation Advisory Council comment:** The bill will permit an employee to receive payment of workers' compensation benefits before the conclusion of the case when there is a dispute as to which employer or carrier had coverage at the time of the injury. The employers/carriers in question will pay the benefits equally and upon resolution of the issue, the one who had coverage must repay the other, with interest.

**SB 0322/HB 1818**

**Public Chapter 403**  
**(Effective 06/04/2007)**

**Specialist to provide information to parties.** (1) Clarifies that social security offset does not apply to death benefits in permanent total disability cases. (2) Requires specialist, upon request, to provide to employee, employer, or insurer, or to any attorney representing either employee or employer or insurer, copies of all information available to specialist, including copy of any written or electronic document(s), medical records, video or audio tapes, or any other information submitted by either employee or employer or insurer in those instances when specialist is considering ordering temporary disability and/or medical benefits. Provides that neither party who supplies information or documents to specialist to assist specialist in discharging his or her responsibilities related to award of workers' compensation benefits may request specialist to maintain information for documentation as confidential. Makes act inapplicable to information or documents that are provided to specialist during mediation procedure required by workers' compensation law to be conducted prior to party's right to file civil action. Contains broad caption. **(S: Crutchfield; H: Buck)** Joint Oversight Committee on Workers' Compensation amendment 1 removes the fiscal note by stating that the parties will bear costs. Senate amendment 1 requires party submitting information, including medical records, to workers' compensation specialist to provide copy of information submitted to opposing party; and permits Department of Labor and Workforce Development to charge fee for copying and mailing documents requested.

**Workers' Compensation Advisory Council comment:** Regarding the discovery of information the specialist is considering when determining temporary or medical issues, section 2 of the bill makes certain all parties are on the same playing field by requiring the sharing of the information which the specialist is considering when making the decision as to whether to order benefits. It permits both employees and employers an opportunity to provide the specialist with full information upon which to make a determination of the issue.

**SB 0425/HB 1822**

**Public Chapter 488**  
**(Effective 07/01/2007)**

**Group 1 retirement benefits amended.** Specifies service retirement requirements for Group 1 members age 55 and older with 25 years creditable service. Revises supplemental bridge benefit provisions. **(S: McNally; H: Fitzhugh)** House amendment 1 gives local governments until July 1, 2008 to opt in. Section 1 of this bill would authorize Group 1 members that served in state public safety officer positions covered by the mandatory retirement provision to retire on service retirement benefits upon attainment

of age 55 with 25 years of creditable service. The unreduced benefits (service retirement) would be based on the years of creditable service rendered and the average final compensation received while the Group 1 member served in a Group 1 position covered by the mandatory retirement provisions. All other service would be calculated under the reduced (early) retirement provisions. This bill would allow local governments participating in TCRS to adopt the provisions of Section 1 of this bill. Section 2 of this bill would reduce the age at which the supplemental bridge benefit would commence for Group 1 members that served in positions covered by the mandatory retirement provision. Effective July 1, 2007, Section 2 of this bill would require that the supplemental benefit for Group 1 members that served in state public safety officer positions covered by the mandatory retirement provision begin at the later of age 55 (instead of the current age 60) or the date of the respective member's retirement. As under the current law, the benefit would cease upon the member's death or upon the member reaching the age requirement for receipt of Social Security benefits, whichever occurs first. Section 2 of this bill would also allow local governments participating in the TCRS that have adopted a mandatory retirement age requirement for all its firefighters and police officers as provided above to authorize the supplemental bridge benefits to commence at the later of age 55 (instead of the current age 60) or the date of the respective member's retirement. Enactment of this bill will increase the lump sum pension liability by approximately \$12,857,000. The annual cost to amortize the additional liability over 20 years under this proposal is estimated to be \$1,441,000. Included in the first year cost are administrative costs related to information systems programming. The additional annual cost to local governments is estimated to be in excess of \$5 million if all entities authorize this bill.

**SB 0332/HB 0464**

**Public Chapter 497**  
**(Effective 01/01/2008)**

**Group insurance plan for state employees.** Requires state insurance committee to include in the group insurance plan a portion of employer paid basic term life insurance and the basic accidental death and dismemberment insurance for those eligible but who do not enroll in the basic plan. **(S: Wilder; H: Sontany)** House amendment 1 changes the effective date to January 1, 2008 from July 1, 2007.

**Council on Pensions and Insurance comment:** Council on Pensions and Insurance adopted and released to full committee with additional remark that the State would make a contribution for the entire cost, when read in concert with item 1 of Section 17 of the General Appropriation Act. Enactment of this bill will have a fiscal impact on the State of approximately \$530,000.

**SB 2302/HB 2170**

**Public Chapter 564**  
**(Effective 06/27/2007)**

**Salary advancement for administrative assistants.** Specifies that automatic two-step salary advancement for administrative assistants employed by state is dependent upon passing certain certified professional secretary or administration professional examinations. **(S: McNally; H: Hackworth)** Senate amendment 1 clarifies that clerical secretaries, clerical management employees, or employees who perform closely related administrative duties for the state are eligible for two step salary

advancement instead of simply any administrative support employee. It removes authorization for two step salary advancement based on passing the fourth part of the certified professional secretary or certified administrative professional examination and requires a person to pass either the full exam sponsored by the International Association of Administrative or the three-part certified professional secretary examination. **SB 0751/HB 1355**

## Legal

**Public Chapter 018**  
**(Effective 04/11/2007)**

**Updates lottery charitable events requirements - 501(c)(3).** Allow a 501(c)(3) organization to move the location of its annual charitable event if the old location is no longer available provided the change is submitted in writing. If a 501(c)(3) organization fails to return 25% of the proceeds from such an event to its stated program, the secretary may rescind its right to hold subsequent events. Clarifies that gross proceeds do not include market price of donated goods or services. Allows a second list of approved organizations to be submitted within 30 days of this bill becoming law. Increases the minimum an event must gross before requiring a financial report from \$30,000 to \$100,000. **(S: Woodson; H: Tindell)** House amendment 1 rewrites the bill to require organizations to provide public notice of an event location change by publishing notice in local newspaper in addition to posting notice on the organization's web site; to provide that an organization failing to return at least 25 percent of gross proceeds for four consecutive years shall be permanently disqualified from filing annual event applications; to allow an authorized annual event to be held within 28, rather than 14, days of the event date listed in the annual event application; and to increase the minimum an event must gross before requiring a financial report from \$30,000 to \$50,000. House amendment 2 specifies if a 501(c)(3) organization's by-laws do not authorize action by an executive committee to approve of annual event then the minutes shall reflect approval by the number of board members required by the charter and bylaws to take action to operate such annual event. House amendment 3 retains the present law provision whereby an organization that fails to return at least 25 percent of the proceeds of an annual event to charitable purposes in two consecutive event periods is permanently disqualified from filing an event application, subject to this bill's appeal procedures.

**SB 1304/HB 1057**

**Public Chapter 097**  
**(Effective 05/07/2007)**

**Human Rights - Title VI implementation plans.** Changes from June 30 to October 1, the date by which state governmental entities must submit their annual Title VI compliance reports and implementation plan updates to the department of audit. **(S: Tate; H: Shaw)**

**SB 2307/HB 1865**

**Public Chapter 106**  
**(Effective 07/01/2007)**

**Property seizure by campus police officers.** Includes campus police officers to those persons in current law who are authorized to conduct certain seizures of property and related forfeiture sales of such property. Allows

money from special revenue fund created from fines and forfeitures of appearance bonds related to drug offenses to be used by university for drug enforcement and education programs if arrest was made by campus police officers. (S: Tracy; H: Hood)

**SB 0276/HB 0309**

**Public Chapter 113**  
(Effective 05/08/2007)

**Gifts to public institutions of higher education.** Makes confidential certain information relating to donors of gifts to public institutions of higher education or to certain related foundations. Specifically pertains to records and information concerning gifts that include the name, address, telephone number, social security number, driver license information or other personally identifiable information about donor or donor's family. (S:

**Woodson; H: Armstrong)**

**SB 2080/HB 1961**

**Public Chapter 126**  
(Effective 07/01/2007)

**Sexual offenders -- change in employment status.** Requires sexual offenders, upon changing employment or vocational status, to report the change to the person's registering agency within 48 hours of the change. (S:Johnson J.; H: Maggart) House amendment 1 clarifies that a change in employment or vocational status is a material one if it remains in effect for seven consecutive days or more.

**Public Chapter 134**  
(Effective 07/01/2007)

**Photographing/recording of juveniles in certain cases.** Allows a law enforcement officer to photograph or make a video or audio recording of a juvenile if such juvenile is committing an offense, if officer is conducting field sobriety test on juvenile, or if juvenile is victim of offense and consents. (S: Watson B.; H: Dean) House amendment 1 insures videotapes and photographs are for the sole purpose of evidence.

**SB 0866/HB 0075**

**Public Chapter 169**  
(Effective 05/15/2007)

**Limitations of liability and warranty in contracts.** Transfers authority from commissioner of finance and administration to agencies and departments of the executive branch of state government to allow limitations of liability and limitations of warranty in contracts for personal services, professional services, and consultant services according to the procedures for services contracting set forth in regulations promulgated by said commissioner. (S: Kyle; H: Odom)

**SB 2207/HB 2263**

**Public Chapter 371**  
(Effective 06/07/2007)

**Use of American Indian symbols, images and names.** Specifies that no state agency has the authority to prohibit the right of any public or private institution to continue to honor American Indians and the heritage of such institution through the use of American Indian symbols, names, and mascots. (S: Bunch; H: Bell) Senate amendment 1 prohibits any state agency from prohibiting or impairing in any way the right of any public or private institution to continue to honor certain persons or cultures through the use of symbols, names, and mascots. House amendment 1 adds a preamble urging all schools, both public and private, which have American Indian symbols as mascots to study the history of tribe(s) from which symbol is derived and

include the history in their student handbooks.

**SB 0162/HB 0133**

**Public Chapter 394**  
(Effective 06/11/2007)

**Flag placement protocol.** Establishes appropriate flag display protocol which states the order of placement from top to bottom is the official United States flag, the official state flag, and then other flags. (**S: Bunch; H: Watson E.**) House amendment 1 specifies appropriate flag placement on property owned, operated or controlled by the state shall be from top to bottom, the United States flag, the official state flag, and any other flags.

**SB 1932/HB 1408**

**Public Chapter 410**  
(Effective 06/11/2007  
& 10/01/2007)

**Non-Smoker Protection Act.** Prohibits smoking in public places and places of employment in Tennessee. Exempts private residences, hotel and motel rooms that are designated as smoking and make up 25% or less of the total number of rooms, retail tobacco stores, cigar bars, private clubs and certain other facilities. Specifies that a person who smokes where smoking is prohibited is guilty of a Class C misdemeanor punishable by a fine. Allows law enforcement officers to issue citations for violations. (**S: Tracy; H: Bone**) Senate amendment 3 rewrites the bill to prohibit smoking in all enclosed public places in Tennessee. Exempts private residences, hotel and motel rooms that are designated as smoking, nursing homes, and retail tobacco stores that prohibit minors on the premises. Prohibits smoking within 20 feet of windows and entrances of public places. Establishes fines for violations. House amendment 2 rewrites the bill. Exempts the following from the smoking prohibition: tobacco retailers whose main business is the sale of tobacco; non-enclosed public places such as patios; nursing homes; small businesses with three or fewer employees; private clubs; homes and vehicles not used as business vehicles; age-restricted venues; company vehicles when only one person is present, hotel/motel rooms designated as smoking rooms. Specifies that no more than 25% of rooms rented to guests in hotels/motels may be smoking rooms and requires smoking rooms on the same floor to be contiguous. Defines restaurant to include a bar area within the restaurant. Requires the appropriate signage to be displayed and provides penalties and fines for violations.

**SB 1325/HB 1851**

**Public Chapter 425**  
(Effective 06/13/2007)

**Personnel files of law enforcement officers.** Provides that certain information contained within personnel files maintained by law enforcement agencies is confidential and shall be redacted wherever possible. The revision specifically pertains to the confidentiality of the officer's personal address, telephone and cell phone number. (**S: Tracy; H: Todd**) House amendment 2 rewrites the bill that clarifies all law enforcement personnel information shall be open for inspection except for personal information, as defined in this section, which shall be redacted as determined by the chief law enforcement officer; outlines procedures to request information; lists confidential records or information of any state, county, municipal or other public employee, or of any law enforcement officer that shall not be open for inspection. Senate amendment 1 adds higher education officers and family members to those persons whose personnel file information is confidential.

Senate amendment 2 requires the entity requesting records or information to pay expenses related to retrieval of such information. Senate amendment 3 clarifies that the personal records protected in this bill are those of law enforcement only and no other state employees.

**SB 2005/HB 1828**

**Public Chapter 454**  
(Effective 07/01/2007)

**Background check required to enter teacher training program.** Requires criminal background checks for teachers entering approved teacher training programs. Also requires applicant to pay for cost of background check. (S: Herron; H: Maddox) Senate amendment 1 states that any criminal history records check performed pursuant to entering an approved teacher training program shall not be submitted and used for the criminal history records check required for employment by an LEA or child care program. Senate amendment 2 makes technical changes. Conference Committee Report requires that students wishing to enter teacher training programs agree to the release of investigative records to the administrator of the selected teacher training program, rather than to the board.

**SB 1714/HB 2076**

## Medical

**Public Chapter 177**  
(Effective 05/16/2007)

**Licensure as audiologist to require doctoral degree.** Applicants for licensure as an audiologist on or after January 1, 2008, must possess a doctoral degree from an accredited educational program in audiology or other program as approved by the board. (S: Henry; H: Kernell) Senate amendment 1 defers the application fee for one year.

**SB 0758/HB 0823**

**Public Chapter 182**  
(Effective 05/16/2007)

**Background checks for medical occupation licensure.** Authorizes any board, council, committee or other governmental entity related to health services to perform background checks on applicants prior to the issuance of any licenses, certificates, or registrations. Specifies that such entities may utilize TBI's record system for this purpose. (S: Kyle; H: Harmon)

**SB 2247/HB 2328**

**Public Chapter 208**  
(Effective 05/21/2007)

**Qualifications of surgical technologists.** Revises experience and training required for persons eligible to be employed as surgical technologists. (S: Kilby; H: Eldridge)

**SB 1235/HB 1679**

**Public Chapter 252**  
(Effective 05/24/2007)

**Practice of surgical technologists.** Defines scope of practice for surgical technologists to include preparation of the operating room for surgical procedures, passing instruments or equipment to a surgeon, and other tasks as directed during a surgical procedure. (S: Kilby; H: Windle) House amendment 1 corrects TCA reference, clarifying that bill applies to surgical technologists only. Senate amendment 2 adds the language, "transferring but not administering". **SB 1236/HB 1169**



**Public Chapter 281**  
**(Effective 05/30/2007)**

**Uncompensated hospital care.** Modifies certain procedures pertaining to uncompensated hospital care. **(S: McNally; H: McCord)** Senate amendment 1 rewrites the bill. In regard to uncompensated care, changes the definition for "bad debts" to amounts considered to be uncollectible from accounts and notes received which are created or acquired providing services. Specifies that accounts turned over to a collection agency should be classified as bad debt. Decreases from 180 to 120 days the amount of time required, after attempts to collect bill, before a bill may be deemed uncollectible. Specifies that if there is documented evidence that a medical bill caused bankruptcy, the account would then be counted as charity. Removes present law distinction between low income medically indigent, medically indigent, and other medically indigent instead stating that "charity care" is reductions in charges made by the provider because of indigence of the patient. Sets guidelines for provider's determination of indigence. House amendment 1 rewrites the bill. In regard to uncompensated care, changes the definition for "bad debts" to amounts considered to be uncollectible from accounts and notes received which are created or acquired providing services. Specifies that accounts turned over to a collection agency should be classified as bad debt. Decreases from 180 to 120 days the amount of time required, after attempts to collect bill, before a bill may be deemed uncollectible. Specifies that if there is documented evidence that a medical bill caused bankruptcy, the account would then be counted as charity. Removes present law distinction between low income medically indigent, medically indigent, and other medically indigent instead stating that "charity care" is reductions in charges made by the provider because of indigence of the patient. Sets guidelines for provider's determination of indigence.

**SB 0559/HB 0697**

**Public Chapter 324**  
**(Effective 06/01/2007)**

**Speech pathologists to use endoscopes.** Allows speech pathologists to use endoscopes to observe pharyngeal and laryngeal areas of throat in order to observe, collect data, and measure the parameters of communication and swallowing for the purpose of functional assessment and rehabilitation planning. **(S: Black; H: Overbey)** Senate amendment 1 rewrites the bill. Permits speech language pathologists to perform non-operative endoscopies. Requires written verification from ENT, and requires that these verifications be kept on file. Requires completion of a 15-hour course with at least 25 observed endoscopies performed. Requires that pathologists send procedures to referring physicians for review.

**SB 1168/HB 0233**

**Public Chapter 340**  
**(Effective 06/05/2007)**

**Continuing education for dentists and dental hygienists.** Changes continuing education requirements for dentists and dental hygienists from between 30 and 60 hours to between 24 and 60 hours in every two-year cycle (except the two-year cycle of initial licensure) as determined by the board of dentistry. Also includes dental assistants in this requirement. **(S: Stanley; H: Odom)** Senate amendment 1 makes the January 3, 2003, date for continuing education requirements becoming biannual applicable to dentists as well as dental hygienists and dental assistants.

**SB 0718/HB 0812**



**Public Chapter 393**  
**(Effective 06/11/2007)**

**Radiology practitioner assistants.** Permits certain radiology practitioner assistants to be licensed as a radiologist assistant without complying with the requirement of possessing a baccalaureate degree. Specifically exempts those who are already certified by the Certification Board for Radiology Practitioner Assistants and who hold both a current active Radiology Practitioner Assistant certification from the Certification Board for Radiology Practitioner Assistants and an active Radiologic Technologist certification and registration from the American Registry of Radiologic Technologists. **(S: Herron; H: Pinion)** House amendment 1 allows radiology practitioner assistants who were practicing on or before December 31, 2006, to be classified as radiology assistants as long as education requirements are already met.

**SB 1678/HB 1197**

**Public Chapter 419**  
**(Effective 07/01/2007)**

**Limits on what hospitals may charge self-pay patients.** Requires hospitals to establish 2 programs of payment allowances for qualified self-pay patients. The first program provides discounts based on family income and to be determined by each facility. The second program is for those with household incomes up to 300% of the federal poverty guidelines, and also provides discounts based on family income, but restricts charges to no more than 120% of the applicable Medicare rates. **(S: Jackson; H: Jones S.)** Senate amendment 1 rewrites the bill. Changes maximum amount a healthcare facility is permitted to charge an uninsured patient for services from 150 percent of the average commercial health insurance reimbursement for services provided to 175 percent of the cost of services provided using the cost-to-charge ratio in the most recent joint annual report. Requires licensed healthcare facilities to develop and post a concise statement of charity care policies for use by members of the community.

**SB 2292/HB 2298**

**Public Chapter 446**  
**(Effective 07/01/2007)**

**Information to be posted in physicians' offices.** Requires physician offices, certain health care facilities, community centers, and pharmacies to post a sign in the main public entrance that informs teens involved in a relationship that includes dating violence that they may call a national toll-free hotline for immediate assistance. Allows such information and other information required to be posted concerning adult abuse and domestic violence to be combined and printed on one poster. **(S:Herron; H: Ferguson)** Senate amendment 1 specifies that signs posted in physicians' offices must say that a teen involved in a relationship that includes dating violence may call a "nationwide domestic violence hotline, or such other hotline as may be determined by the departments of health and commerce and insurance and communicated to health care providers." House amendment 1 restores nursing homes and palliative care centers to the list of providers required to post information regarding the toll-free hotline for teens involved in dating violence. Also specifies that these providers shall be notified of this requirement by the departments of health and commerce and insurance in newsletters or other routine correspondence, who shall also post a copy of this statement of requirements and a contact number on the department web sites.

**SB 1412/HB 0633**

**Public Chapter 469**  
**(Effective 07/01/2007)**

**Licensure of polysomnographic technologists.** Establishes licensure procedure for polysomnographic technologists who operate under the general supervision of physicians. Also establishes polysomnography professional standards committee to promulgate rules, to establish licensure fees and to review and approve or reject licensure applications of polysomnographic technologists (18 pp.). **(S: Burchett; H: Overbey)** Senate amendment 1 adds "the patient's home" as an acceptable place for polysomnography practices to take place when under a physician's order. Senate amendment 2 changes language regarding monitoring of sleep practices from "performance of" to "staging and scoring of sleep by performing". House amendment 2 specifies where polysomnographic activity may take place including hospitals, sleep centers, or patient's home. Senate amendment 3 changes one of the violations for which the board has the power to impose sanctions from "immoral, unethical, unprofessional or dishonorable conduct" to "moral turpitude."

**SB 0495/HB 1885**

**Public Chapter 530**  
**(Effective 07/01/2007)**

**Tennessee Nurse Home Visitor Program Act.** Establishes a nurse home visitor program to provide regular, in-home, visiting nurse services to low-income, first-time mothers during their pregnancies and through their children's second birthday. States the program is established for the purpose of educating mothers on the importance of nutrition and the avoidance of drugs and alcohol. Specifies that program is also intended to provide assistance and education on child care, health care, education and employment opportunities. Clarifies that participation by such mothers is optional and may be refused at any time. **(S: Black; H: DeBerry J.)** Senate amendment 1 deletes language making a mother whose first child is less than one month old eligible to receive services. Senate amendment 2 specifies that the program should be significantly modeled on the national Nurse Family Partnership program. Changes the evaluation from being implemented in one or more other states for a period of at least five years to instead be replicated in multiple, rigorous, randomized clinical trials and in multiple sites. Requires the commissioner of health to select the National Service Organization of the Nurse Family Partnership program as the health care and services facility with the knowledge and expertise necessary to assist the department in selecting entities from among the applications submitted. Senate amendment 3 makes a technical correction, deleting "located in this state."

**SB 2040/HB 1892**

## Technology Centers

**Public Chapter 208**  
(Effective 05/21/2007)

**Qualifications of surgical technologists.** Revises experience and training required for persons eligible to be employed as surgical technologists. (S: Kilby; H: Eldridge)  
**SB 1235/HB 1679**

**Public Chapter 252**  
(Effective 05/24/2007)

**Practice of surgical technologists.** Defines scope of practice for surgical technologists to include preparation of the operating room for surgical procedures, passing instruments or equipment to a surgeon, and other tasks as directed during a surgical procedure. (S: Kilby; H: Windle) House amendment 1 corrects TCA reference, clarifying that bill applies to surgical technologists only. Senate amendment 2 adds the language, "transferring but not administering".  
**SB 1236/HB 1169**

**Public Chapter 459**  
(Effective 06/19/2007)

**Establishment of cooperative innovative programs.** Authorizes public postsecondary institutions and LEAs to jointly establish cooperative innovative programs in high schools and public colleges and universities. Details program application process for LEA and public postsecondary institution. Creates joint advisory committee to review applications and make recommendations. (S: Woodson; H: Winningham) House amendment 2 rewrites the bill. Changes one of the program criteria from a focus on a university or technical preparatory path to focus on one that will prepare students to enter postsecondary institutions or the workplace "without academic remediation." Specifies that the state board of education, the UT system, and the Tennessee board of regents will establish the measurable student achievement results. Defines "consortium," "dual credit program," and "dual enrollment program." Requires the state board of education, department of education, Tennessee higher education commission, board of trustees of the University of Tennessee and the board of regents to create a consortium for the oversight of these programs. Authorizes the consortium to establish committees when necessary and implement actions as needed for proper operation. Authorizes two or more LEAs with one or more public postsecondary institutions to establish a cooperative innovative high school program. Adds to the application an explanation of how a viable and workable linkage between the institutions that includes academic and technical opportunities for students will be established. Replaces any joint advisory committee reference with "consortium." Provides that programs approved under this chapter can award dual credit for high school courses when applicable. Allows flexibility with regard to the length of time of instruction as required for regular public schools. Prohibits LEA from charging a fee if a program is funded through local, state or federal funds. Requires consortium to report annually to the education committees by February 15. Provides methods by which the consortium will align curriculum. Requires the high school to community college and technology center articulation agreement to be completed no

later than the 2009-2010 school year. Stipulates that consortium members and subsequent committees will receive no compensation in excess of simple reimbursement. Senate amendment 2 corrects typographical errors.

**SB 0620/HB 0099**

**Public Chapter 542**  
(Effective 07/01/2007)

**Joint study committee for proprietary schools.** Creates joint study committee for the evaluation of proprietary schools. (S:Woodson; H:Winningham) Senate amendment 1 makes the bill. Clarifies the membership of a joint study committee for the evaluation of proprietary schools. House amendment 2 changes membership of study committee to include two, rather than one, representatives from a Tennessee proprietary or career college that is a non-degree granting institution to be appointed by the speaker of the senate.

**SB 1302/HB 0950**

## Public Finance & Appropriations

**Public Chapter 368**  
(effective 07/01/2007)

**Increase in cigarette tax.** Increases the rate of taxation on cigarettes from ten mills to three cents for each cigarette. Provides that any wholesale dealers, jobbers, tobacco distributors, and retail dealers having cigarette tax stamps, affixed and unaffixed, in their possession on July 1, 2007, will not have to pay the increase in the tax rate on cigarettes bearing such stamps. All revenue from such an increase will be deposited in the general fund. (S: Kyle; H: Odom) House Agriculture amendment 1 allocates \$21 million to Agriculture enhancement grant programs. House Agriculture amendment 2 lowers the tax from 40 cents to 20 cents per pack. House Agriculture amendment 3 removes the tax on the following "essential food items" as defined by WIC: infant formula, infant juice, infant cereal; orange, grapefruit, apple, pineapple, grape and tomato juices; breakfast cereals high in folic acid and approved by the department of revenue; peanut butter; reduced fat, low fat, fat free, and whole milk; dried beans and peas; carrots; canned tuna (not smoked); mozzarella, cheddar, colby, monterey jack and processed American cheeses; and white or brown eggs (not specialty). House Finance amendment 1 restores 40 cent per pack increase on cigarettes and earmarks money for education. Also clarifies that \$21 million is to be allocated to farm grant programs. Senate amendment 1 retains the 60 cent cigarette tax increase and specifies that all revenue will be deposited in the education trust fund except the \$21 million that will be placed in the Tennessee agriculture enhancement program. Senate amendment 3, as amended, adds an additional 2 cents per package to the cigarette tax; directs proceeds from such additional tax to the trauma system fund created by the "Trauma Center Funding Act of 2007."

**SB 2326/HB 2354**

**Public Chapter 591**  
(effective 06/28/2007)

**Funding of state projects by bond issues.** Authorizes issuance of bonds in an amount not to exceed \$461,300,000 to fund state projects. (S: Kyle; H: Odom) Senate amendment 1 decreases amount authorized for issuance of

bonds from an amount not to exceed \$461,300,000 to fund state projects to an amount not to exceed \$383,000,000. Changes one allocation of bonds proceeds to the department of finance & administration from \$82,000,000 for the purpose of acquiring land easements and for the purchase of land for the Cumberland Mountain Conservation Project to \$3,700,000 for the purpose of acquisition of sites and existing structures for expansion purposes for the TN Board of Regents on behalf of MTSU. Senate amendment 2 decreases amount authorized for issuance of bonds from an amount not to exceed \$383,000,000 (as stated in Senate Finance amendment 1) to fund state projects to an amount not to exceed \$259,500,000. Decreases allocation of bonds proceeds to the department of finance & administration for the purpose of acquisition of equipment, erection, construction and equipment of sites and buildings expansion, improvement, and extraordinary repairs to existing structures, and for the purpose of making grants to any county, metropolitan government, incorporated town, city, special district of the state, or any governmental agency or instrumentality of any of them approved by the State Building Commission from \$228,000,000 to \$103,000,000. Adds allocation of bonds proceeds in the amount of \$1,500,000 to the department of finance & administration for the purpose of a grant to Warren County Utility District for construction costs related to waterline improvements. House amendment 4 corrects dollar amounts and makes technical changes.

**SB 2329/HB 2355**

**Public Chapter 603**  
**(effective 07/01/2007)**

**Appropriations for fiscal years 2006-2007, 2007-2008.** Makes appropriations for fiscal years 2006-2007 and 2007-2008. **(S: Kyle; H: Odom)** House amendment 1 is the stripper amendment. House amendment 2 sets the schedule as described by the treasurer. Senate amendment 6 is the administration amendment. Senate amendment 7 corrects language in the administration amendment. Senate amendment 8 appropriates \$250,000 Nashville YWCA. Senate amendment 9 moves the real estate transfer tax from reoccurring to non-reoccurring. Senate amendment 10 appropriates \$15,000 in non-reoccurring funds to pay for road sign bills.

**SB 2334/HB 2353**